

CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending July 18, 1998

Raytheon STX v. DOC, GSBGA No. 14298-COM

Depositions and document production by parties are scheduled to take place from July 20 to July 30. Still outstanding is Appellant's extremely broad request to inspect dozens of contract files at NOAA's Acquisition Management Division while reserving the right to inspect contract files throughout the Department. Appellant has filed a motion to compel production, and we are filing our response at the end of the week, which will include a declaration from the Procurement Executive demonstrating the burden on the Department in complying with Appellant's wide-ranging request. Fred Kopatich and Edward Weber

LGB & Associates (Agency-level protest)

The draft Decision has been submitted to the Associate Director for Administration/Controller for the Bureau of Census. The Decision is due July 20, 1998. Amy Freeman had the matter.

Commerce Combined Credit Card Program

The GSA Contracting Officer has objected to our refusal to consider US Bank as a potential Schedule provider of integrated credit card services to the Department's travel, purchase and fleet management activities. Based upon our conversation with the Contracting Officer and our review of our promulgated requirements, we advised the acquiring activity to revise the requirements and evaluation factors to more accurately reflect our needs and to permit US Bank to offer on the revised requirement. Mark Langstein is advising.

Advanced Chemical Sciences Laboratory at NIST

Ken Lechter has been advised by the Austin Company that it will be filing a certified claim involving the last major dispute in this contract. It will not effect the completion date of November 1998. Austin is claiming that it is entitled to additional A&E costs (for work already performed) based upon inaccuracies in the percentage of completion of the drawings. It is the Government's position that the contract was clear that Austin did not have the right to rely on the percentages indicated, and that these costs were part of the base scope of the contract. Upon receipt of the claim, we will determine whether this dispute is appropriate for further ADR proceedings.

Radiosonde Replacement Program

Ed Weber and Mark Langstein attended a meeting of the CONOPS team at which funding and technical issues were discussed. Based upon these programmatic issues, we volunteered to talk with the Chief Counsel of NTIA to determine whether a creative solution to both technical and funding issues might be achieved.

Domain Names

In a case before the U.S. District Court for the Southern District of New York, the plaintiffs, PGMedia have sued the National Science Foundation and Network Solutions, Inc. for the denial of PGMedia's request to add top level domain names to the "A" root server. At the hearing on Monday, the Court narrowed the issue to whether NSF has the authority to direct NSI to add or not to add these TLD names to the "A" root pursuant to the parties Cooperative Agreement for management of the domain name system. Although the Department of Commerce is not a party in the case, filings in the case reference the Department's White Paper. Catherine Shea is advising.

CLD "Time to Complete"—6.6 Days

